

REMARKS

Claims 1-12 and 15 are pending in the application, claims 13 and 14 were previously canceled. Claims 1-12 and 15 remain pending.

Claims 1 and 2 have been amended to clarify the definition of D to include halogen, specifically bromine, and bi-phenyl. Support for these amendments is found in the specification, particularly in the examples section, but also in the claims. In particular, several named compounds include the situation where D is bromine or bi-phenyl, e.g. 4-(2-bromo-thiazol-5-ylmethyl)-1,4-diazabicyclo[3.2.2]nonane, and 4-(4-biphen-3yl)-thiazol-2-ylmethyl)-1,4-diazabicyclo[3.2.2]nonane. Claim 3 has been amended to cancel named compounds from the list which fall outside the elected restriction group.

In response to the restriction requirement, Applicants hereby elect Group III, claims 1-3 and 11 with traverse. Applicants further elect the species where E is thiazolyl, and D is phenyl. In doing so, Applicants reserve the right to pursue the subject matter of the non-elected claims in one or more divisional or continuing application(s).

The claims have been amended consistent with the election contained herein.

The Office has required restriction among the eighteen allegedly patentably distinct inventions below:

I. The compound or composition of general formula (I), wherein Q is a diazabicyclo[3.2.2]nonane, E is a six-membered heterocyclic ring with at least 2 heteroatoms, at least one being nitrogen as in claims 1-3 and 11.

II. The compound or composition of general formula (I), wherein Q is a diazabicyclo[3.2.2]nonane, E is a six-membered heterocyclic ring with one nitrogen as in claims 1-3 and 11.

III. The compound or composition of general formula (I), wherein Q is a diazabicyclo[3.2.2]nonane, E is a five-membered heterocyclic ring with at least one nitrogen as in claims 1-3 and 11.

IV. The compound or composition of general formula (I), wherein Q is a diazabicyclo[3.2.2]nonane, E is a five- or six-membered heterocyclic ring sulfur or oxygen containing heterocyclic ring with no nitrogen ring members as in claims 1-3 and 11.

V. The compound or composition of general formula (I), wherein Q is a diazabicyclo[3.2.2]nonane, E is a five- or six-membered aryl ring as in claims 1-3 and 11.

VI. The compound or composition of general Formula (I), not previously described in Groups I-V as in claims 1-3 and 11.

VII-XII. A method of treatment or prophylaxis of diseases with a compound or composition of formula (I) as in Groups I-VI, according to claims 4-10 and 12.

XIII-XVIII. A method of making a compound or composition of formula (I) as in Groups I-VI, according to claim 15.

Applicants hereby elect group III, where E is a “five-membered heterocyclic ring with at least one nitrogen atom” as set forth in the Requirement for Restriction. It does not appear from the Action that the Office intended this group to be limited to such rings containing only nitrogen and carbon ring atoms. Thus, Applicants note the group includes thiazolyl, oxazolyl and imidazolyl, which are recited in the definition of E in claim 1. Accordingly, Applicants elect restriction group III for prosecution herein, while retaining the right to file one or more divisional applications to the remaining restricted groups.

Applicants further elect the species where E is thiazolyl and D is phenyl, particularly, the compound 4-(4-phenyl-thiazol-2-ylmethyl)-1,4-diaza-bicyclo[3.2.2]nonane. Claims 1-3, and 11

read on this species. The Action notes on page 5, that claims 1 and 4 are generic. Applicants respectfully submit however, that claims 1 and 11 are generic to this species.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to Deposit Account No. 260166.

Early reconsideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,

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